

Notice of Allowability

Application No.

10/644,296

Examiner

Meagan Thomasson

Applicant(s)

BAERLOCHER, ANTHONY J.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/23/07.
2. ☒ The allowed claim(s) is/are 1-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

XUAN M. THAI
SUPERVISORY PATENT EXAMINER

TC3780

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 23, 2007 has been entered.

Response to Arguments

Applicant's arguments, see Remarks P.1-12, filed July 23, 2007, with respect to claims 1-89 have been fully considered and are persuasive. The rejection of claims 1-89 has been withdrawn.

Allowable Subject Matter

Claims 1-89 are allowed.

The following is an examiner's statement of reasons for allowance:

1. Independent claims 1,16,28,39,53 and 65 contain limitations drawn to the simultaneous display of the following elements:

(i) a first predetermined relationship between a first one of the first components and the first set of second components,

(ii) a second predetermined relationship between a second one of the first components and a second set of second components,

(iii) the first one of the first components, and

(iv) the second one of the first components.

The closest prior art, Locke et al. (US 6,561,904 B2), discloses displaying all of elements (i) – (iv) as described above, however Locke does not disclose displaying them simultaneously. Instead, the first one of the first components is displayed simultaneously with a first predetermined relationship between a first one of the first components and the first set of second components, (i.e. elements (i) and (iii) are simultaneously displayed), as a result of a single reel spin of the game. Similarly, the second one of the first components is displayed simultaneously with a second predetermined relationship between a second one of the first components and a second set of second components, (i.e. elements (ii) and (iv) are simultaneously displayed), as a second, subsequent result of a reel spin of the game. That is, it would not have been obvious to one of ordinary skill in the art at the time of the invention to modify Locke et al. in order to simultaneously display elements (i)-(iv) as claimed, as to do so would destroy the game play method taught by Locke et al.

Claims 2-15,17-27,29-38,40-52,4-64, and 66-87 depend from one of claims 1,16,28,39,53 or 65 and are thus also allowable over the prior art.

2. Independent claims 88 and 89 contain limitations drawn to:

the first set of second components includes a first one of the second components which is not in the second set of second components, and

the second set of second components includes a second one of the second components which is not in the first set of second components.

Locke et al. discloses that the first set of second components includes a first one of the second components which is not in the second set of second components.

However, Locke et al. does not disclose that the second set of second components includes a second one of the second components which is not in the first set of second components, as each set of second components disclosed by Locke contains elements from a previous set of components. Specifically, the first set of second components disclosed by Locke includes all of "1X 1X 2X 2X 3X 5X 3X 2X 2X 1X 1X", the second set of second components disclosed by Locke includes all of "1X 2X 2X 3X 5X 3X 2X 2X 1X", the third set of second components disclosed by Locke includes all of "2X 2X 3X 5X 3X 2X 2X", etc. such that each subsequent set of second components contains at least one of the second components from the first set of second components.

Therefore, it would not have been obvious to one of ordinary skill in the art at the time of

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the invention to modify Locke et al. such that a second set of second components includes a second one of the second components which is not in the first set of second components.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TLC3700

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
September 24, 2007